

REMARKS

The above-identified patent application has been amended and Applicants respectfully request the Examiner to reconsider and again examine the claims as amended.

Claims 9 to 28 are pending in the application. Claims 9 to 28 were rejected. Claims 9, 10, 19, 20, 25, 26, 27 and 28 are amended herein. Claims 1 - 8 were previously cancelled.

Claims 9 -22 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noda et al. in view of Aarnio. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noda et al. in view of Aarnio and further in view of Reed.

Applicants note in the last response to the Examiner that Applicants amended the specification to add text to make it clear, as known in the art, that storage medium is used to store programs to control handheld devices as well as servers or computers to make it clear that the storage medium is directed toward statutory subject matter.

Applicants have amended the claims in view of the Examiners comments and remarks to more clearly distinguish the present invention over the cited art. Applicants wishes to thank the Examiner for his detailed Office Action and comments.

Having reviewed the Examiner's comments with the inventor, we offer the following. In Claim 9, paragraph (d), applicants call for a plurality of computers. Noda teaches an image retrieval / WWW server, but does not suggest there is more than one computer used in their system. Nowhere does Noda suggest there is more than one server computer based on the inventors and my understanding of Noda. Applicants have amended the claims to make it clear that the present invention uses a database of image files with associated text and links, but in applicants invention the searching of files is done by searching the database using the image, where as Noda teaches taking an image, extracting characteristics of the image, use the extracted characteristics with user input of, for example, color of petals, shade of the color and type of

flower, to search the database for like characteristics and returning an image that is associated with those like characteristic with a corresponding description. In other words, Noda is not searching the database using the image, but is searching the database by comparing the characteristics (See Figure 2).

The Examiner is using Aarnio to show searching over the internet. But it is understood that Aarnio only uses the internet to communicate between the mobile station (MS), and the OCR server or SERVICE server. Aarnio does not suggest that either the OCR or SERVICE servers themselves are implemented by distributed matching over the internet. Aarnio teaches taking the current location and returning “services” of interest, like “gas stations” or “auto services”. Nowhere does Aarnio teach, nor is it obvious based on reading Aarnio, that one could return images for matching. It is our reading that Aarnio only discloses OCR matching as a means for image comparison. Two embodiments are described, the first in col. 1, line 55 for location recognition by recognizing text on signs, and the second in col. 5, line 10 as a product embodiment for finding information about products like cars, etc. Both cases use matching based on OCR analysis of the image. (See Figure 4 for the OCR step in the second embodiment). While col 3, line 51 does refer to the apparatus “utilizing the digital image directly”, we cannot find any teaching of a means other than OCR. One could read that to be simply that the apparatus could detect faces or do template matching of objects using a local database. Importantly, we see nothing in Aarnio that indicates searching with image information across the internet.

Aarnio does describe how you can extract text information from within an image with the OCR process and then search with text. In the present invention, the keyword extraction method looks at the HTML on the page where the image is embedded or linked from, and does not use OCR on the image. This feature, for example, is claimed in claim 19 - 22 to allow further searching from files found having a similar image, the files containing text that can be used to perform further searching.

Applicants respectfully submit that Aarnio does not anywhere hint at the idea of searching with an image across the internet. It does use the internet for communication of images, and

searches with text information for services like gas stations. The latter does not suggest to go from that to searching with an image.

For the reasons discussed above, Applicants submit that Claim 9 is distinct over Noda et al. in view of Aarnio, since the cited references neither describes nor suggests the claimed embodiment where resulting relevant images are found by searching images in a database using the images and not text or other features extracted from the images.

Claims 10 - 24 depend from and thus include the limitations of Claim 9 as well as claim further features. Thus, Applicants submit that Claims 10 - 24 are patentably distinct over the cited references at least for the reasons discussed above.

Applicants submit that Claim 25 and 26 - 28 are also distinct over Noda et al. in view of Aarnio for the reasons discussed above.

Applicants have submitted herewith a Petition for an Extension of Time for three months with authorization to charge Daly, Crowley, Mofford & Durkee, LLP Deposit Account No. 50-0845 to cover the costs of the petition.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Accordingly, re-examination and reconsideration are requested in view of the above amendment and remarks.

Dated: December 18, 2009

Respectfully submitted,

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